

REMARKS

Claim Rejections - 35 USC §103

The examiner rejected claims 1-5 and 7-10 under 35 USC §103(a) as unpatentable over Kanai (5,862,403) in view of Frank, Jr. (6,654,195) and further in view of Thorson (6,055,618). The applicant respectfully disagrees and also files a statement under MPEP §706.02(1)(2) to remove Frank, Jr. as prior art under 35 USC §103(a).

The rejection under 35 USC §103(a) should be withdrawn since Frank, Jr. does not qualify as prior art under 35 USC §103(c). The present application was filed on or after November 29th, 1999. The subject matter disclosed by Frank, Jr. and the claimed invention were, at the time the invention was made, owned by Western Digital Ventures or subject to an obligation of assignment to Western Digital Ventures.

Furthermore, Frank, Jr. does not disclose or suggest to receive scheduling data from a disk storage device through a switched fabric network comprising a plurality of switching elements. In contrast, Frank, Jr. discloses to transmit scheduling data from a disk storage device directly to a host computer through a host interface, such as SCSI, ATA, P1394, PCI or Fibre Channel, none of which can be construed as a switched fabric network. The rejection should be withdrawn.

The examiner rejected claims 6 and 11 under 35 USC §103(a) as unpatentable over Kanai (5,862,403) in view of Frank, Jr. (6,654,195) and further in view of Thorson (6,055,618) and Darnell (6,381,647). The applicant respectfully disagrees

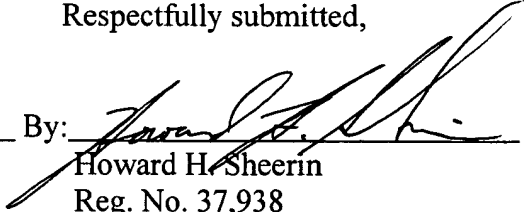
Although Darnell discloses the use of an isochronous protocol for transmitting data through a switched fabric network, nothing in Darnell would suggest to use an isochronous protocol to transmit scheduling data from a disk storage device through a switched fabric network. The rejection should be withdrawn.

The rejections of the remaining claims should be withdrawn for the reasons set forth above.

CONCLUSION

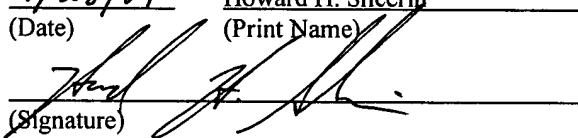
The above amendments to the claims do not raise new issues or add new matter; the applicant respectfully requests the examiner to enter the amendments. In view of the foregoing remarks, the rejections should be withdrawn. Frank, Jr. should be removed as prior art under 35 USC §103(a). In addition, the relied upon prior art does not disclose or suggest to transfer scheduling data from disk storage devices to a memory of a network switch via a number of switching elements, wherein the scheduling data for use in scheduling access to the disk storage devices. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

4/28/04 Howard H. Sheerin
(Date) (Print Name)

(Signature)